

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN THE MATTER OF THE EXTRADITION)
OF) Misc. No. 05-1609-CBS
BOGDANS HVALEJS)
)

GOVERNMENT'S PROPOSED ORDERS ON EXTRADITION

The United States of America, by and through Assistant United States Attorney John T. McNeil, respectfully submits the attached proposed orders on extradition. The first proposed order includes citations to the government's exhibits submitted under separate cover. The second (alternative) proposed order excludes references to specific exhibits.

Respectfully Submitted,

MICHAEL J. SULLIVAN
UNITED STATES ATTORNEY

Date: December 8, 2005

By: /s/ John T. McNeil
JOHN T. McNEIL
Assistant U.S. Attorney
(617) 748-3242

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CERTIFICATION OF EXTRADITABILITY
AND ORDER OF COMMITMENT

These extradition proceedings were commenced by the United States pursuant to 18 U.S.C. § 3184 and the Treaty of Extradition between the United States and Latvia entered into force on March 1, 1924 (TS 677)[Exhibit 1 at BH006-011], the Supplementary Treaty of October 10, 1934, entered into force on March 29, 1935 (TS 884)[Exhibit 1 at BH012-014], and the United Nations Single Convention on Narcotic Drugs, 1961, done at New York March 30, 1961 (TIAS 6298)[Exhibit 1 at BH015-039], as amended by the 1972 United Nations Protocol Amending the Single Convention on Narcotic Drugs, done at Geneva March 25, 1972 (TIAS 8118)[Exhibit 1 at BH040-086] (hereinafter “the Treaties”). Pursuant to the Treaties, by letter dated January 27, 2004, Latvian authorities presented a formal request to the United States for Bogdans Hvalejs’s extradition. [Exhibit 1 at BH005]. A Complaint for Provisional Arrest with a View Towards Extradition was filed by the United States on behalf of the Republic of Latvia in this Court on January 12, 2005. [Doc.No. 2]. Bogdans Hvalejs was brought before this Court for an initial appearance on July 26, 2005, pursuant a writ of habeas corpus issued to the Essex County House of Correction, where he was serving a criminal sentence, and advised of his rights to an extradition hearing. [Doc.No. 3]. The Complaint was subsequently amended upon motion of the United States dated October 26, 2005. [Doc.No.12].

Bogdans Hvalejs’s extradition is sought by Latvia for prosecution for the offenses of

theft, in violation of Article 175, Part 3 of the Criminal Law of Latvia, and the illegal purchase and possession of narcotics (to wit: heroin) in violation of 253, Part 1 of the Criminal Law of Latvia. [Exhibit 2 at BH089-90].

On December 13, 2005, Bogdans Hvalejs appeared before the Court accompanied by his attorney, and in the presence of the Assistant United States Attorney, John T. McNeil. The Court received evidence in support of the amended complaint from the United States, on behalf of the Republic of Latvia, and from Bogdans Hvalejs. Having so heard the evidence, the Court finds that the terms of the Treaties and 18 U.S.C. § 3184 have been met. Specifically, the Court finds as follows:

1. That there are extradition treaties in force between the United States and the Republic of Latvia, and this Court has jurisdiction in this matter [Exhibit 1 at BH001-086];

2. That there are criminal charges pending against Bogdans Hvalejs charging him with theft in violation of Article 175, Part 3 of the Criminal Law of Latvia and the purchase and possession of narcotics (to wit: heroin) in violation of 253, Part 1 of the Criminal Law of Latvia [Exhibit 1 at BH005; Exhibit 3 at BH162; Exhibit 2 at BH087-161];

3. That the crimes of theft with which Bogdans Hvalejs is charged are extraditable offenses within the terms of Article II of the Treaty of Extradition between the United States and Latvia entered into force on March 1, 1924 (TS 677) and the Supplementary Treaty of October 10, 1934, entered into force on March 29, 1935 (TS 884) [Exhibit 1 at BH001-004, 008];

4. That the crimes of purchase and possession of heroin with which Bogdans Hvalejs is charged are extraditable offenses within the terms of Article 36 of the United Nations Single Convention on Narcotic Drugs, 1961, done at New York March 30, 1961 (TIAS 6298), as amended by Article 14 of the 1972 United Nations Protocol Amending the Single Convention on

Narcotic Drugs, done at Geneva March 25, 1972 (TIAS 8118) [Exhibit 1 at BH001-004, 033-034, 053];

5. That Bogdans Hvalejs is the same person who is charged in the Republic of Latvia in an order of arrest issued on October 22, 2003, by the Latgale District Court in Riga, Latvia [Exhibit 2 at BH149-150; Exhibit 5];

6. The evidence before the Court establishes probable cause to believe that Bogdans Hvalejs committed the charged offenses [Generally: Exhibit 2 at BH089-090, 098-100, 103-104, Exhibit 4; Theft on 12/12/00: Exhibit 2 at BH117-118 (co-defendant confession), 123-124, 127, 161 (victim statements); Theft on 8/22/01: Exhibit 2 at BH111-112, 132-133 (witness statements), 141-142 (victim statement); Heroin possession on 11/1/01: Exhibit 2 at BH136-137 (officer's report), 144, 147-148 (search reports), 152, 156-158 (drug analysis)].

For the foregoing reasons, this matter is certified to the Secretary of State in order that a warrant may issue for the surrender of Bogdans Hvalejs to the proper authorities of the Republic of Latvia in accordance with the Treaties between the United States of America and Latvia.

It is therefore hereby ORDERED that Bogdans Hvalejs is committed to the custody of the United States Marshal, or his authorized representative, to be confined in appropriate facilities and to remain until he is surrendered to the Republic of Latvia pursuant to applicable provisions of the Treaties and United States law.

It is further ORDERED that the United States Attorney for this judicial district shall forward a copy of this certification and Order together with a copy of the transcript (or recording) of the extradition hearing and copies of documents received into evidence in this matter, to the Secretary of State.

ENTERED this ___ day of _____, 2005, at Worcester, Massachusetts.

CHARLES B. SWARTWOOD, III
CHIEF U.S. MAGISTRATE JUDGE

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